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Compilation on France

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1][2]

2. The Human Rights Committee regretted that, despite the commitments undertaken during the universal periodic review in 2008, France had decided not to withdraw its declaration relating to article 13 of the International Covenant on Civil and Political Rights. The Committee recommended that France reconsider its interpretative declarations and reservations with a view to significantly reducing their number.[3]

3. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Elimination of Racial Discrimination encouraged France to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[4]

4. The Committee on the Elimination of Discrimination against Women recommended that France ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).[5] The Committee on the Elimination of Racial Discrimination encouraged France to consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO.[6]

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) indicated that France had taken part in the recent consultations with member States concerning the implementation of the UNESCO Convention against Discrimination in Education and had submitted reports within the framework of the ninth (2016-2017) and eighth (2011-2013) consultations.[7]

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6. France ratified the Protocol to the Forced Labour Convention, 1930 (No. 29) on 11 June 2014.[8]

III. National human rights framework[9]

7. The Committee on the Elimination of Discrimination against Women welcomed the creation, in 2013, of the High Council for Gender Equality as an advisory body under the Office of the Prime Minister[10] and recommended that France strengthen the implementation of gender equality policies at the municipal and regional levels.[11]

8. The Committee on the Rights of the Child welcomed the creation of the High Council for Family, Childhood and the Elderly but remained concerned by the fact that France did not systematically consult the Defender of Children on bills affecting children's rights and did not sufficiently follow up on its reports and recommendations.[12]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[13]

9. UNESCO noted that France had adopted a number of measures designed to prevent all forms of discrimination, including sexism, racism and homophobia. A governmental plan of action for combating racism and anti-Semitism had been presented in April 2015,[14] and a campaign to combat homophobia had been launched in December 2015.[15] The Committee on the Elimination of Discrimination against Women commended France on its exhaustive anti-discrimination legal framework, especially in the light of the adoption of Act No. 2014-873 on substantive equality between women and men.[16]

10. The Committee on the Rights of the Child was concerned about the persistence of discrimination on the grounds of sex, gender identity, disability, national origin, social and economic origin or other grounds and the racial discrimination against and stigmatization of Roma children. The Committee urged France to foster a culture of equality, tolerance and mutual respect to prevent and combat persistent discrimination.[17]

11. The Committee on the Elimination of Racial Discrimination was concerned by the growing stigmatization and the negative stereotyping of Roma occasioned by the use of racist hate speech by elected officials.[18] The Committee recommended that France ensure that the devolution of powers to local governments did not interfere with vulnerable persons' and groups' enjoyment of their rights under the International Convention on the Elimination of All Forms of Racial Discrimination.[19] It recommended that France ensure that all instances of racist or xenophobic discourse were investigated and that the persons responsible were prosecuted, convicted and punished appropriately.[20]

12. The Human Rights Committee was concerned about the resurgence of racist and xenophobic discourse in both the public and political spheres and recommended that France step up its efforts against racist, anti-Semitic and anti-Muslim violence, in particular by conducting investigations and punishing the perpetrators of such acts.[21] The Committee on the Elimination of Discrimination against Women[22] and the Committee on the Elimination of Racial Discrimination[23] made similar recommendations.

13. The Committee on Economic, Social and Cultural Rights regretted the lack of statistical tools to measure the incidence of indirect discrimination on the grounds of origin and urged France to develop suitable methodologies for compiling disaggregated statistics on ethnic minorities, including persons of foreign extraction and Roma. The Committee requested that France include the overseas departments and regions and overseas

communities in its statistics and recommended making use of disaggregated statistics to monitor the impact that public policies had on those groups.[14]

2. Development, the environment, and business and human rights[15]

14. The Committee on Economic, Social and Cultural Rights found it regrettable that the amount of official development assistance provided by France fell short of the internationally agreed target of 0.7 per cent of gross national product. The Committee recommended that France raise that amount.[16]

15. The Committee on Economic, Social and Cultural Rights urged France to prevent business enterprises domiciled in its territory or under its jurisdiction from committing human rights violations abroad.[17] The Committee on the Rights of the Child made a similar recommendation focused on children's rights.[18]

16. The Committee on the Elimination of Discrimination against Women was concerned about the lack of measures to address the impact of the 30 years of nuclear testing on the health of women and girls in French Polynesia and recommended that France accelerate the processing of claims for the compensation of victims.[19] The Human Rights Committee was concerned about the fact that, as at 1 March 2015, the Nuclear Test Victims Compensation Committee had dismissed 98.3 per cent of claims. It recommended that France ensure compensation for all the victims of French nuclear tests, especially the local population.[20]

17. The Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment noted that France had good practices in the use of human rights obligations in environmental policymaking.[21] The Independent Expert, on 24 October 2014, hailed the adoption of an Environmental Charter at the constitutional level.[22]

3. Human rights and counter-terrorism

18. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on the situation of human rights defenders expressed concern about the vague wording of the draft law on strengthening internal security and the fight against terrorism approved by the Senate on 18 July 2017, in particular the definitions of terrorism and threats to national security.[23] The Human Rights Committee recommended that France ensure that the provisions of Act No. 2014-1353, which strengthened antiterrorism provisions, observed the principles of the presumption of innocence and of legality, and that if the provisions led to restrictions of certain human rights such as freedom of expression, information or movement, that such restrictions were in conformity with the Covenant.[24]

19. Noting the institution of legislative and administrative measures to expand the powers of French authorities in the fight against terrorism, the Committee against Torture was concerned by reports of excessive use of force by the police during some search operations and recommended that France ensure that counter-terrorism measures did not infringe on the exercise of rights protected under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[25]

20. In January 2015, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression condemned the attack on journalists of a satiric magazine in Paris.[26] The Special Rapporteur in the field of cultural rights, in November 2016, denounced the 13 November terrorist attacks in Paris targeting sites of arts and leisure.[27]

B. Civil and political rights

1. Right to life, liberty and security of person[28]

21. The Committee against Torture reiterated its recommendation that France incorporate into its criminal legislation a definition of torture that included all the elements

set forth in article 1 of the Convention against Torture and make torture an imprescriptible offence.[39]

22. The Committee on Enforced Disappearances recommended that France ensure that the protection standards enshrined in the International Convention for the Protection of All Persons from Enforced Disappearance were also fully respected when the State was involved in military operations abroad.[40] The Committee also recommended that France adopt a law establishing the absolute prohibition of enforced disappearance in exceptional circumstances, whether a state of war or a threat of war, internal political instability or any other public emergency granting special powers to the President of the Republic.[41]

23. The Committee against Torture was concerned about an increase in violence and criminal acts motivated by hatred against certain vulnerable individuals and population groups, including Roma, Muslims, Jews and migrants, particularly since the recent terrorist attacks which prompted the adoption of the state of emergency.[42] The Committee recommended that France intensify its efforts to prevent violence and criminal acts motivated by hatred and intolerance and prosecute those responsible for such acts.[43]

24. The Human Rights Committee was concerned about allegations of ill-treatment, the excessive use of force and the disproportionate use of non-lethal weapons, especially during arrests, forced evictions and law enforcement operations.[44] The Committee against Torture recommended that France ensure that victims of police violence were able to file complaints.[45]

25. The Committee against Torture[46] and the Human Rights Committee[47] were concerned by the high level of prison overcrowding. The Committee against Torture recommended that France, as a matter of urgency, improve conditions of detention by implementing the recommendations of the Inspector General of Places of Deprivation of Liberty, including making greater use of alternatives to imprisonment in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).[48]

26. The Committee against Torture remained concerned by the high suicide rate in French prisons despite the steps taken under the 2009 national action plan to prevent suicide in prisons.[49]

2. Administration of justice, including impunity, and the rule of law[50]

27. The Committee against Torture recommended that France implement a policy for the rehabilitation of victims of torture and facilitate access to rehabilitation facilities.[51]

28. The Committee on Enforced Disappearances recommended that France establish the right of appeal before a sitting judge to ensure that coercive measures were lawful and to enable detainees to be present in court, and that any person in pretrial or administrative detention should have the right to communicate with the outside world and that that right should not be restricted beyond 48 hours.[52]

29. The Committee against Torture recommended that France amend its Code of Criminal Procedure to guarantee access to a lawyer for persons taken into police custody from the outset of detention and in all cases.[53]

30. The Committee on the Elimination of Discrimination against Women welcomed the extension of the regulation on sexual harassment and sexist behaviour to the public sector.[54] The Committee recommended that France implement the recommendations of the Defender of Rights on the introduction of a clear and precise definition of sexual harassment in the draft law on equality and citizenship.[55]

31. The Committee on the Rights of the Child urged France to bring its juvenile justice system fully into line with the Convention on the Rights of the Child and other relevant standards and recommended that it establish specialized juvenile court facilities and procedures with adequate resources; establish a minimum age of criminal responsibility, not below the age of 13 and requiring the child's capacity of discernment; refrain from treating children above 16 years of age as adults; ensure that detention was used only as a

measure of last resort and for the shortest possible period of time, promoting instead alternative measures; and ensure that children, particularly girls, were not detained together with adults and could access education and health services.[56]

32. The ILO Committee of Experts on the Application of Conventions and Recommendations hoped that the Government would ensure that the working conditions of prisoners hired by private enterprises or jointly managed prisons approximated those of free workers and that France would provide information in that respect in future reports.[57]

3. Fundamental freedoms and the right to participate in public and political life[58]

33. The Human Rights Committee was of the view that the laws on the wearing of religious symbols and face coverings infringed the freedom to express one's religion or belief and that they had a disproportionate impact on members of specific religions and on girls. The Committee recommended that France review relevant legislation in the light of its obligations under the Covenant.[59]

34. UNESCO stated that Law No. 2016-1524 strengthened the right of journalists to not disclose their sources.[60] It recommended that France decriminalize defamation and place it within a civil code in accordance with international standards.[61]

4. Prohibition of all forms of slavery[62]

35. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the first national action plan to combat human trafficking (2014-2016) and the designation of the national consultative commission for human rights as the independent national rapporteur. The Committee recommended that France provide support to women at risk of trafficking, and in particular to girls, and combat other forms of exploitative practices related to trafficking, in particular forced labour, servitude and slavery. It also recommended that France provide victims of trafficking with adequate access to health care and counselling.[63]

36. The ILO Committee of Experts noted the adoption of Act No. 2013-711 incorporating the crimes of "slavery" and "exploitation of enslaved persons" into the Criminal Code. The Committee also noted that the Act included two new offences, "forced labour" and "servitude". The Committee hoped that the Government would implement the national plan of action to combat trafficking in persons and requested that France provide information on the evaluation of the policy on combating trafficking, to be undertaken by the national advisory committee on human rights.[64]

37. The ILO Committee of Experts requested that the Government continue to provide victims, throughout the national territory, with better protection and short- and medium-term assistance, in compliance with the national plan of action to combat trafficking in persons and ensure that those measures were granted to all victims, whether or not they cooperated with the authorities.[65]

5. Right to privacy and family life[66]

38. In 2016, United Nations human rights experts stressed the lack of clarity and precision of several provisions of the state of emergency and surveillance laws, related to the nature and scope of restrictions to the legitimate exercise of the rights to freedom of expression, of peaceful assembly and of association and the right to privacy. In order to guarantee the rule of law and prevent arbitrary procedures, the experts recommended that France adopt measures for prior judicial control over antiterrorism measures.[67]

39. The Human Rights Committee recommended that France ensure that the collection and use of data on communications took place on the basis of legitimate objectives and ensure the independence of a monitoring system for surveillance activities, in particular by making provision for the judiciary to take part in the authorization and monitoring of surveillance measures.[68]

40. The Committee on the Rights of the Child was concerned by the three judgments of the European Court of Human Rights against France of 10 July 2014 for its failure to comply with the right to respect for family life, finding that the decision-making process for

the issuance of visas had not demonstrated the required guarantees of flexibility, speed and efficacy.[69]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[70]

41. The Committee on Economic, Social and Cultural Rights noted with concern that the unemployment rate remained high and recommended that France monitor the mechanisms in place for unemployed persons and businesses, in order to determine how effective they were in providing access to employment to target groups.[71] The Committee also recommended ensuring that unemployment benefits were adequate.[72]

42. The Committee on Economic, Social and Cultural Rights urged France to ensure that the collective bargaining process was effective and to uphold the right to union representation in accordance with international standards.[73]

2. Right to social security[74]

43. The Committee on Economic, Social and Cultural Rights was concerned at the incidence of poverty among certain disadvantaged and marginalized groups and urged France to assess the impact of the multi-year plan for poverty reduction and social inclusion.[75] The Committee recommended that France adopt measures designed to change public opinion, which tended towards stigmatizing poverty and recipients of social assistance benefits, through awareness-raising campaigns.[76]

3. Right to an adequate standard of living[77]

44. The Committee on Economic, Social and Cultural Rights was concerned that the Government was underinvesting in the implementation of policies for realizing the right to adequate housing, and about housing shortages, including shortages of social housing, affordable housing and emergency shelters.[78] The Committee urged France to undertake investments, on the basis of geographical priorities, that were proportional in size to the scale of the housing shortage.[79]

45. The Committee on Economic, Social and Cultural Rights found it worrisome that over 40 per cent of requests for emergency shelter had gone unanswered and that, in 80 per cent of the cases in which shelter had been provided, it had been made available for just one night.[80]

46. The Committee on Economic, Social and Cultural Rights was concerned by the number of forced evictions carried out in France, whether they were tenant evictions, evictions of persons from informal settlements or evictions of members of the Roma community or of Travellers from campsites. It requested that France reduce the number of forced evictions.[81] The Human Rights Committee made a similar recommendation.[82]

4. Right to health

47. The Committee on Economic, Social and Cultural Rights noted with concern the limited nature of access to health services in priority urban zones and in rural areas where medical personnel were in short supply.[83] The Committee on the Elimination of Discrimination against Women made similar remarks and recommendations.[84]

48. The Committee on the Elimination of Discrimination against Women welcomed the legislative measures to facilitate access to contraception and abortion, including full insurance coverage and free contraception for adolescents. The Committee recommended that France reduce the rate of teenage and/or unwanted pregnancy, including through family planning information and services, in particular in overseas territories and among disadvantaged groups of women.[85]

49. The Committee against Torture was concerned about the failure to systematically inform patients about their rights prior to placement in seclusion or under restraint and about how to appeal such decisions.[86] The Committee recommended that France enhance

the training of personnel at psychiatric facilities to ensure compliance with the rules established by the Act of 26 January 2016 on the modernization of the health system.[87]

5. Right to education[88]

50. The Committee on the Rights of the Child recommended that France strengthen its educational reform, with a view to reducing the effects of the social background of children on their achievement in school, take additional measures to guarantee a sufficient number of qualified teachers and ensure the right to education without discrimination to all children.[89]

51. UNESCO noted that the completion rate for students from low-income households was still low. In particular, unaccompanied migrant children, Roma children and children with disabilities face discrimination.[90] The Committee on the Rights of the Child was concerned that Roma children, unaccompanied migrant children and children living in precarious housing faced numerous difficulties with regard to enrolling in ordinary schools or gaining access to school canteens and in some cases had not been allowed to do so by municipalities.[91]

D. Rights of specific persons or groups

1. Women[92]

52. The Committee on the Elimination of Discrimination against Women was concerned that the prevalence of gender-based violence against women remained high[93] and recommended that France ensure that acts of gender-based violence against women, including female genital mutilation and forced and/or child marriage, when perpetrated by French nationals or permanent residents, were prosecuted ex officio in France, regardless of whether the offence was criminalized in the country in which it was committed.[94]

53. The Committee on the Elimination of Discrimination against Women was concerned that Muslim women and girls were exposed to a heightened risk of discrimination and Islamophobic acts and that the risk of discrimination was compounded by the current social and political context. The Committee recommended that France combat all forms of discrimination against women and girls belonging to racial, ethnic, national and religious minorities, including those living in sensitive urban areas.[95]

54. The Committee on the Elimination of Racial Discrimination recommended that France take the necessary steps, as a matter of urgency, to protect Roma women from all forms of violence and any attempt to violate their right to physical integrity.[96]

55. The Committee on the Elimination of Discrimination against Women commended France on the numerous legislative and constitutional measures taken to ensure gender parity in political and public life. It remained concerned about the low representation of women in the National Assembly and the Senate and in the presidencies of subnational councils, departments or regions.[97]

2. Children[98]

56. The Committee on the Rights of the Child noted with appreciation that the principle of the best interests of the child had been raised at the constitutional level and that the Court of Cassation and the Council of State had adopted a common position in that regard. The Committee was concerned, however, that that right was not sufficiently integrated in practice.[99] It reiterated its recommendation that France explicitly prohibit corporal punishment in all settings.[100]

57. The Human Rights Committee and the Committee on the Rights of the Child were concerned about the allegations of sexual abuse reportedly committed against children by French soldiers during Operation Sangaris in 2013 and 2014.[101] The Committees recommended that France ensure that the allegations were investigated and perpetrators were prosecuted.[102] The Committee on the Rights of the Child also recommended that

France strengthen preventive measures to ensure that the rights of children were respected.[103]

58. The ILO Committee of Experts requested that the Government provide information on the results of the measures adopted for the implementation of the national action plan to combat the trafficking of human beings (2014-2016) in terms of the number of children under 18 years of age who had benefited from protection against trafficking or prostitution. The Committee urged the Government to take immediate and effective measures to protect isolated foreign minors from the worst forms of child labour and ensure their rehabilitation and social integration.[104]

59. UNESCO noted that although recommendations regarding Roma children, in particular, had been made in the course of the last universal periodic review cycle, few recent measures had been identified in that connection. France should be encouraged to pursue its efforts to eliminate discrimination against children with disabilities, migrant children and Travellers' children.[105]

3. Persons with disabilities[106]

60. The Special Rapporteur on the rights of persons with disabilities reminded the Government that deprivation of legal capacity and any type of involuntary treatment were contrary to the Convention on the Rights of Persons with Disabilities.[107] She encouraged the Government to support the establishment of organizations representing all persons with disabilities, including those with intellectual, developmental, psychosocial and multiple impairments.[108]

61. The Human Rights Committee recommended that France guarantee decent living conditions and safeguard the physical and mental integrity of persons with disabilities living in institutions.[109]

62. The Committee on the Rights of the Child was concerned by cases of ill-treatment of children with disabilities in institutions and the insufficient independent monitoring of such institutions,[110] and about persistent discrimination against children with multiple disabilities with regard to access to education, in school facilities and vocational training.[111] In order to guarantee the right to inclusive education, particularly for autistic children, the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health have strongly advocated deinstitutionalization and the creation of alternatives to institutional placement. They have indicated that the medical-social model should be set aside in favour of a human rights approach based on non-discrimination, inclusion and participation.[112]

63. The Committee on the Rights of the Child was concerned about families facing major obstacles to obtaining the necessary support they were entitled to receive[113] and that, despite three successive autism plans, children with autism continued to be subjected to widespread violations of their rights.[114]

4. Minorities and indigenous peoples[115]

64. The Committee on the Elimination of Racial Discrimination recommended that France consider revisiting its position on the non-recognition of indigenous peoples in the overseas collectivities and that it apply more targeted policies that were better suited to the needs of those population groups, notably indigenous peoples and persons of African descent.[116] The Human Rights Committee recommended that France reconsider its position on the official recognition of ethnic, religious and linguistic minorities.[117]

65. The Committee on Economic, Social and Cultural Rights recommended that France promote the right of members of regional or minority linguistic groups and, in overseas departments and regions and overseas communities, of indigenous peoples to use their own languages, in areas where regional languages were traditionally spoken.[118]

5. Migrants, refugees, asylum seekers and internally displaced persons[119]

66. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that one of the changes that had been introduced as part of the reform of the asylum system had been to give suspensive effect to appeals filed with the National Court on the Right of Asylum. Other legislative advances include the introduction of stronger procedural safeguards in respect of interviews with the French Office for the Protection of Refugees and Stateless Persons (OFPRA), the introduction of the concept of vulnerability, the codification of statelessness and the clarification of family reunification procedures, although, in practice, difficulties remain in gaining access to consular offices, proving the existence of family ties and obtaining travel documents.[120] UNHCR recommended that the Government of France create initial humanitarian reception centres along migration routes on French territory in order to give immediate shelter and orientation to new arrivals as a means of providing them with the protection they need.[121]

67. The Human Rights Committee recommended that France guarantee that all asylum seekers and immigrants had an equal right to an effective suspensive appeal, specifically by ensuring access to professional interpretation services and legal aid in administrative custody centres and holding areas in metropolitan France and the overseas territories.[122]

68. UNHCR indicated that, as of 31 December 2016, 228,427 persons (not including minors) had been placed under the protection of OFPRA: 86.1 per cent of them had refugee status, 13.3 per cent of them had been granted subsidiary protection and 0.6 per cent were stateless persons.[123]

69. The Committee on the Elimination of Discrimination against Women was concerned that France might have difficulty dealing with an influx of refugees and providing them with decent housing, as illustrated by the precarious sanitary and housing conditions, lack of guaranteed access to food, clean water, sanitation, medical care, psychological support and legal counselling, and the high levels of exposure to violence and exploitation, especially for women and girls, in Calais.[124] The Committee on Economic, Social and Cultural Rights made similar remarks.[125] United Nations human rights experts urged France to devise long-term measures to provide access to safe drinking water and sanitation for migrants in Calais and other areas along the northern French coast.[126]

70. The Committee on the Elimination of Discrimination against Women welcomed the efforts made by France to integrate migrant women and girls and women of immigrant origin into all aspects of French society. It recommended that France consider the specific situation of migrant women and women of immigrant origin in all public policies.[127] UNHCR recommended that the Government of France take greater account of situations which place persons in vulnerable positions, including situations involving gender-related violence, with a view to ensuring that conditions in reception centres are suited to asylum seekers' specific needs.[128]

71. UNHCR noted that access to social rights (material support, shelter, health) is limited in the overseas territories while asylum seekers' and refugees' need for assistance has reached critical proportions.[129]

72. The Human Rights Committee was concerned about the particularly worrying situation of foreigners and asylum seekers in Mayotte, many of whom were unaccompanied minors. It recommended that France review the system of derogations applied in the department of Mayotte to ensure that foreigners and asylum seekers enjoyed the same guarantees as they would in metropolitan France.[130] It recommended that France prohibit the deprivation of liberty of minors in transit areas and all administrative custody centres in metropolitan France and overseas territories.[131]

73. UNHCR indicated that France had adopted Child Protection Act No. 2016-297. That law provides for a better distribution of unaccompanied minors in the country and clarifies the role of the State and of the various departments in caring for minors (child welfare services). In 2016, centres run by child welfare services housed 8,054 unaccompanied minors whose status as such had been identified and verified.[132]

74. On 7 December 2016, regarding the situation in the migrant camp in Calais, the Committee on the Rights of the Child noted that hundreds of children had been subjected to

inhumane living conditions, left without adequate shelter, food, medical services and psychosocial support, and in some cases exposed to smugglers and traffickers. The failures regarding the situation of children in Calais highlighted the shortcomings of a migration system built on policies that were neither developed nor implemented with children's rights in mind.[133]

75. UNHCR recommended that the Government of France ensure that the particular vulnerability of unaccompanied minors is fully taken into account at border checkpoints and that safeguards are in place at those locations with respect to information and reporting, due consideration of their best interests and the possibility of providing access to international protection.[134] The Committee on the Elimination of Racial Discrimination made similar recommendations.[135]

76. The Human Rights Committee was concerned about the fact that unaccompanied minors were still held in holding areas for up to 20 days and that they were still regularly placed with their parents in administrative custody centres and facilities.[136]

E. Specific regions or territories

77. Regarding French Guyana, the Committee on the Elimination of Racial Discrimination recommended that France consider recognizing indigenous peoples' collective rights to the ancestral lands that those communities had possessed and used since time immemorial, including their resources.[137] The Committee on the Elimination of Discrimination against Women recommended that France continue the health monitoring of the mercury poisoning of indigenous populations in French Guyana, investigate, prosecute and punish those responsible for such poisoning, and provide redress to victims.[138]

78. The Committee on the Elimination of Racial Discrimination recommended that France pursue its efforts to prepare the population of New Caledonia, including the Kanaks, to arrive at a decision on the issue of their self-determination.[139] In its resolution 71/120, the General Assembly reaffirmed the inalienable right of the people of French Polynesia to self-determination, and called upon France to intensify its dialogue with French Polynesia in order to facilitate progress towards a fair self-determination process.

79. The Committee on the Elimination of Racial Discrimination recommended that, in view of the new status of Mayotte, France increase its efforts to ensure that Mahorais enjoyed their economic, social and cultural rights on an equal footing with the rest of the country's population and that it remove the obstacles that hindered their freedom of movement.[140]

80. The Committee on Economic, Social and Cultural Rights noted with concern the high unemployment and poverty rates in the overseas departments and regions and overseas communities, including Réunion, French Guyana and Mayotte. The Committee recommended that France take a rights-based approach to the formulation of policies for reducing poverty in the overseas departments and regions and overseas communities and urged France to combat extreme poverty, in particular in Mayotte, and ensure that persons living in extreme poverty had access to social benefits.[141]

81. The Committee on the Elimination of Discrimination against Women recommended that France support efforts by customary authorities and indigenous women's organizations to ensure a rapid review of the discriminatory provisions relating to marriage and family relations, to bring them into conformity with the Convention on the Elimination of All Forms of Discrimination against Women.[142]

82. The Committee on the Elimination of Discrimination against Women was concerned that a large portion of the indigenous and tribal population of French Guyana and half the population of Mayotte lacked birth certificates and identity papers, depriving them of access to basic services.[143] It recommended that France consider extending the five-day deadline envisaged in draft law No. 3204, especially for remote areas, and simplify the procedure envisaged in the case of late declarations.[144]

83. The Committee on Economic, Social and Cultural Rights was concerned by the unfavourable situation with respect to the enjoyment of the right to health in overseas departments and regions and overseas communities, especially the high rates of maternal and infant mortality in Mayotte and in French Guyana.[145] It urged France to invest more resources in the most disadvantaged departments in order to equalize the level of health expenditure per capita.[146] The Committee on the Elimination of Discrimination against Women made similar remarks and recommendations.[147]

84. Concerned about the high rates of preventable infectious diseases in the overseas departments, including HIV/AIDS and tuberculosis,[148] the Committee on the Rights of the Child recommended that France undertake targeted programmes for addressing such preventable diseases, particularly in French Guyana and Mayotte.[149]

85. In addition to the measures provided for in the National Overseas Health Strategy, the Committee on Economic, Social and Cultural Rights urged France to further the development of public water supply and sanitation systems and provide access to those systems at an affordable price in order to reduce the prevalence of parasitic and infectious diseases.[150]

86. The Committee on the Rights of the Child remained concerned by the disparities in the implementation of the Convention in the overseas departments and territories[151] and about the lack of information about traditional adoptions known as "child circulation" in French Polynesia and New Caledonia, and recommended that France ensure that the principle of the paramountcy of the best interests of the child was strictly observed.[152] The Committee was also concerned about the insufficient registration of children belonging to Amerindian and Bushinenge populations in the overseas departments and territories, which impeded them from exercising their rights.[153]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for France will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/FRIndex.aspx.
[2] For relevant recommendations, see A/HRC/23/3, paras. 120.1-120.22, 120.50, 120.136, 120.143 and 120.162.
[3] See CCPR/C/FRA/CO/5, para. 5.
[4] See E/C.12/FRA/CO/4, para. 59; CAT/C/FRA/CO/7, para. 41; CEDAW/C/FRA/CO/7-8, para. 55; and CERD/C/FRA/CO/20-21, para. 18.
[5] See CEDAW/C/FRA/CO/7-8, para. 35.
[6] See CERD/C/FRA/CO/20-21, para. 18.
[7] See UNESCO submission for the universal periodic review of France, para. 3.
[8] See www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100_INSTRUMENT_ID:3174672.
[9] For relevant recommendations, see A/HRC/23/3, paras. 120.32-120.38, 120.64, 120.68, 120.71, 120.79, 120.84, 120.98-120.101 and 120.132.
[10] See CEDAW/C/FRA/CO/7-8, para. 14.
[11] Ibid., para. 15 (c).
[12] See CRC/C/FRA/CO/5, paras. 11 and 17.
[13] For relevant recommendations, see A/HRC/23/3, paras. 120.27, 120.40, 120.43, 120.46, 120.48-120.49, 120.62-120.63, 120.65, 120.67, 120.69-120.70, 120.72-120.78, 120.80-120.83, 120.85, 120.87-120.92, 120.133-120.134, 120.145-120.146, 120.150-120.151 and 120.156.
[14] See UNESCO submission, para. 13.
[15] Ibid., para. 14.
[16] See CEDAW/C/FRA/CO/7-8, para. 12.
[17] See CRC/C/FRA/CO/5, paras. 23-24.
[18] See CERD/C/FRA/CO/20-21, para. 9.
[19] Ibid., para. 4.
[20] Ibid., para. 8 (b).
[21] See CCPR/C/FRA/CO/5, para. 23.
[22] See CEDAW/C/FRA/CO/7-8, paras. 20-21.
[23] See CERD/C/FRA/CO/20-21, paras. 7-8.
[24] See E/C.12/FRA/CO/4, para. 17. See also CERD/C/FRA/CO/20-21, para. 5.

[25] For relevant recommendations, see A/HRC/23/3, paras. 120.52-120.54 and 120.137.
[26] See E/C.12/FRA/CO/4, paras. 7-8.
[27] Ibid., para. 13.
[28] See CRC/C/FRA/CO/5, para. 22.
[29] See CEDAW/C/FRA/CO/7-8, paras. 36-37.
[30] See CCPR/C/FRA/CO/5, para. 21. See also A/72/74.
[31] See A/HRC/28/61/Add.1, para. 25.
[32] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15215&LangID=E.
[33] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22165&LangID=E.
[34] See CCPR/C/FRA/CO/5, para. 10.
[35] See CAT/C/FRA/CO/7, paras. 12-13.
[36] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15467&LangID=E.
[37] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16762&LangID=E.
[38] For relevant recommendations, see A/HRC/23/3, paras. 120.41, 120.93-120.97, 120.102-120.103, 120.105-120.112 and 120.116-120.118.
[39] See CAT/C/FRA/CO/7, para. 9.
[40] See CED/C/FRA/CO/1, para. 29.
[41] Ibid., paras. 10-11.
[42] See CAT/C/FRA/CO/7, para. 14. See also CERD/C/FRA/CO/20-21, para. 7.
[43] Ibid., para. 15.
[44] See CCPR/C/FRA/CO/5, para. 15.
[45] See CAT/C/FRA/CO/7, para. 17 (a).
[46] Ibid., para. 21.
[47] See CCPR/C/FRA/CO/5, para. 17.
[48] See CAT/C/FRA/CO/7, para. 22.
[49] Ibid., para. 25.
[50] For the relevant recommendation, see A/HRC/23/3, para. 120.104.
[51] See CAT/C/FRA/CO/7, para. 39.
[52] See CED/C/FRA/CO/1, para. 31.
[53] See CAT/C/FRA/CO/7, paras. 11-12.
[54] See CEDAW/C/FRA/CO/7-8, para. 34.
[55] Ibid., para. 13.
[56] See CRC/C/FRA/CO/5, para. 82.
[57] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3190318:NO.
[58] For relevant recommendations, see A/HRC/23/3, paras. 120.23-120.26, 120.28-120.31, 120.51 and 120.135.
[59] See CCPR/C/FRA/CO/5, para. 22.
[60] See UNESCO submission, para. 7.
[61] Ibid., para. 21.
[62] For relevant recommendations, see A/HRC/23/3, paras. 120.119-120.125.
[63] See CEDAW/C/FRA/CO/7-8, paras. 26-27.
[64] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3190318:NO, paras. 1-2.
[65] Ibid., para. 3.
[66] For relevant recommendations, see A/HRC/23/3, paras. 120.130-120.131.
[67] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16966&LangID=E.
[68] See CCPR/C/FRA/CO/5, para. 12.
[69] See CRC/C/FRA/CO/5, para. 51.
[70] For relevant recommendations, see A/HRC/23/3, paras. 120.138, 120.149 and 120.153.
[71] See E/C.12/FRA/CO/4, paras. 22-23.
[72] Ibid., para. 23.
[73] Ibid., para. 28.
[74] For the relevant recommendation, see A/HRC/23/3, para. 120.148.
[75] See E/C.12/FRA/CO/4, paras. 31-32.
[76] Ibid., para. 30.
[77] For relevant recommendations, see A/HRC/23/3, paras. 120.139, 120.147 and 120.154-120.155.
[78] See E/C.12/FRA/CO/4, para. 35.
[79] Ibid., para. 37 (a).
[80] Ibid., para. 35.
[81] Ibid., paras. 38-39.
[82] See CCPR/C/FRA/CO/5, para. 14.
[83] See E/C.12/FRA/CO/4, para. 44.

[84] See CEDAW/C/TRA/CO/7-8, paras. 36-37.
[85] Ibid., paras. 36-37.
[86] See CAT/C/TRA/CO/2, para. 29.
[87] Ibid., para. 30 (c).
[88] For relevant recommendations, see A/HRC/23/3, paras. 120.140-120.142.
[89] See CRC/C/TRA/CO/5, para. 72.
[90] See UNESCO submission, para. 19.
[91] See CRC/C/TRA/CO/5, para. 71 (b).
[92] For relevant recommendations, see A/HRC/23/3, paras.120.42-43, 120.56-61 and 120.114-115.
[93] See CEDAW/C/TRA/CO/7-8, para. 20.
[94] Ibid., para. 25.
[95] Ibid., paras. 18 and 19 (b).
[96] See CERD/C/TRA/CO/20-21, para. 9 (c).
[97] See CEDAW/C/TRA/CO/7-8, para. 28.
[98] For relevant recommendations, see A/HRC/23/3, paras. 120.39, 120.44-120.45, 120.113, 120.126-120.129 and 120.165.
[99] See CRC/C/TRA/CO/5, para. 25.
[100] Ibid., para. 44.
[101] See CCPR/C/TRA/CO/5, para. 16, and CRC/C/TRA/CO/5, para. 45.
[102] See CCPR/C/TRA/CO/5, para. 16, and CRC/C/TRA/CO/5, para. 46.
[103] See CRC/C/TRA/CO/5, para. 46.
[104] See www.do.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3189989:NO.
[105] See UNESCO submission, para. 19, and p. 7, recommendation 3.
[106] For relevant recommendations, see A/HRC/23/3, paras. 120.47 and 120.144.
[107] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22252&LangID=E.
[108] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22245&LangID=E.
[109] See CCPR/C/TRA/CO/5, para. 20.
[110] See CRC/C/TRA/CO/5, para. 40.
[111] Ibid., para. 57.
[112] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19443.
[113] See CRC/C/TRA/CO/5, para. 57 (b).
[114] Ibid., para. 59.
[115] For relevant recommendations, see A/HRC/23/3, paras. 120.86 and 120.152.
[116] See CERD/C/TRA/CO/20-21, para. 11.
[117] See CCPR/C/TRA/CO/5, para. 6.
[118] See E/C.12/TRA/CO/4, para. 57.
[119] For relevant recommendations, see A/HRC/23/3, paras. 120.155-120.161 and 120.163-120.164.
[120] UNHCR submission for the universal periodic review of Tunisia, pp. 2-3.
[121] UNHCR submission, p. 5.
[122] See CCPR/C/TRA/CO/5, para. 18.
[123] UNHCR submission, p. 1.
[124] See CEDAW/C/TRA/CO/7-8, para. 31.
[125] See E/C.12/TRA/CO/4, para. 18.
[126] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22240&LangID=E.
[127] See CEDAW/C/TRA/CO/7-8, paras. 42-43.
[128] UNHCR submission, p. 5.
[129] Ibid.
[130] See CCPR/C/TRA/CO/5, para. 35.
[131] Ibid.
[132] UNHCR submission, p. 1.
[133] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20815&LangID=E.
[134] UNHCR submission, p. 4.
[135] See CERD/C/TRA/CO/20-21, para. 10.
[136] See CCPR/C/TRA/CO/5, para. 19.
[137] See CERD/C/TRA/CO/20-21, para. 12 (a).
[138] See CEDAW/C/TRA/CO/7-8, para. 17.
[139] See CERD/C/TRA/CO/20-21, para. 13. See also A/72/317, para. 24.
[140] Ibid., para. 14.
[141] See E/C.12/TRA/CO/4, paras. 31-34.
[142] See CEDAW/C/TRA/CO/7-8, para. 40.
[143] Ibid., para. 30.
[144] Ibid., para. 31.

[47] See E.C. 12 FRA (C) 4, para. 46.
[48] Ibid., para. 47 (a).
[49] See CFDAW/C/FRA/CO/7-8, paras. 36–37.
[50] See CRC/C/FRA/CO/5, para. 61.
[51] Ibid., para. 62.
[52] See E.C. 12 FRA (C) 4, para. 47 (c).
[53] See CRC/C/FRA/CO/5, para. 31.
[54] Ibid., paras. 55-56.
[55] Ibid., para. 32.